

DATE: January 29, 2010

MEMO CODE: SP 17-2010 CACFP 07-2010 SFSP 07-2010

SUBJECT: Eligibility of Haitian Refugees for the Child Nutrition Programs

TO: Child Nutrition Programs

We have received inquiries about the eligibility of children who were evacuated to the United States as result of the earthquake in Haiti. The National School Lunch Program (NSLP), School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Summer Food Service Program (SFSP) do not require lawful presence in the United States prior to receiving a federal benefit and refugee children are eligible for meal benefits if they enroll in a participating school or institution.

### **Determining Eligibility for NSLP/SBP**

The local educational agency (LEA) official responsible for free/reduced price meal eligibility should contact the LEA's homeless liaison to determine if these children are considered homeless under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.). If these children have been determined homeless by the liaison, they are categorically eligible for free meals under the NSLP/SBP and are eligible for the school year and for the first 30 operating days in the next school year.

Households may also submit applications. And, on a case by case basis, school officials may submit an application on behalf of a child (see Part 3, Section J of the Eligibility Manual for School Meals, January 2008 edition for additional information on this procedure).

### **Determining Eligibility for the CACFP and SFSP**

Child and adult care and summer institutions that require eligibility information can receive certification of the child's or adult's homeless status from the agency that assisted with the evacuation or is providing shelter. If the child is not residing in an emergency shelter, the institution should have an adult living with the child complete an income eligibility form indicating that the child is homeless. No further information is required to certify that child's eligibility.

### **Determining Eligibility for Host Families**

We would also like to provide our policy on certifying homeless children residing with another household and how it impacts the host family. A child or family may temporarily reside with another household and still be considered homeless under the McKinney-Vento Homeless Assistance Act. In these cases the household size and income of the host family is not taken into consideration in determining the free meal eligibility for the child(ren) designated as homeless by the LEA's liaison. Additionally, when a host family applies for free and reduced price meals for their own children, the host family may include the homeless family as household members if the host family provides financial support to the homeless family, such as shelter, utilities,

clothing or food. In such cases, the host family must also include any income received by the homeless family. The LEA, or the appropriate child care or summer institution, determines eligibility for the host family in the traditional manner. However, free meal eligibility for the homeless child is based on the documentation provided by the homeless liaison or other source, even when the child is included on the host family's free and reduced price meal application.

Part 5, Section E of the Eligibility Manual provides information about certifying homeless children. Local agencies should inform their State agency of other questions regarding the status of Haitian refugees. We will address other issues concerning refugee children and families as they arise.